

REMARKS

Claim Rejections – 35 USC 112

Claims 8-10 and 12 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has amended Claims 8-10 and 12 to correct the issues that the Examiner raised.

Claim Rejections – 35 USC 102

Claims 8 and 12-14 are rejected under 35 USC 102(b) as being anticipated by WO 02083473 (Fagergren).

Applicant respectfully submits that the brake conditioning method of Fagergren does not operate the same way that the claimed method operates and therefore does not anticipate the claimed method.

Claim 8 states, *inter alia*, that the brake is automatically actuated in intervals. Stated differently, the brake actuates independent of driver brake pedal input.

In comparison, Fagergren as understood only applies the brakes for reconditioning in response to driver input. As a result, the brakings are randomly distributed in terms of time and brake power dependent on the driving situation. Fagergren, page 9, lines 11-13.

Since Fagergren actuates the brake only in response to the driver input it can not anticipate Applicant's claimed system that automatically actuates the brake in intervals. Applicant therefore believes that Claim 8 is in a condition for allowance.

Claims 9-14 depend either directly or indirectly from independent Claim 8 and are believed to be in condition for allowance for at least the same reason as Claim 8.

CONCLUSION

Accordingly, Applicant believes that the claims as amended overcome the raised objections and rejections and are in a condition for allowance.

Respectfully submitted,

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